

REMARKS

Claims 1 through 24 are pending in this application. Claims 1, 9 and 17 are the independent claims.

Claims 1, 2, 9, 10, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fairman, U.S. Patent No. 6,457,072 B1. Claims 3, 4, 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairman in view of Osborne, U.S. Patent No. 6,078,733. Claims 5, 6, 13, 14, 21 and 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Fairman in view of Osborne and further in view of Krishnan et al., U.S. Patent No. 4,922,416. Claims 7, 8, 15, 16, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairman in view of Osborne and further in view of Krishnan et al. and Chow et al, U.S. Patent No. 6,052,387. Applicant traverses the rejections, and requests reconsideration thereof for the following reasons.

35 U.S.C. § 102(e) Rejections

Claims 1, 2, 9, 10, 17 and 18 are Patentable Over the Prior Art

Claims 1, 2, 9, 10, 17 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fairman, U.S. Patent No. 6,457,072 B1. This rejection is respectfully traversed.

The primary reference on which this and the other pending rejections rely fails to qualify as prior art against the Applicant's claimed invention. As set forth in a Rule 1.131 declaration by the named inventor, concurrently filed herewith, the claimed invention was conceived prior to July 29, 1999 (*i.e.*, the priority filing of the application), and the inventor exercised diligence from at least a time prior to that date in constructively reducing the claimed invention to practice. *See* Declaration Pursuant to 37 C.F.R. 1.131. Accordingly, the Fairman patent cannot support a rejection of the pending claims. The removal of the Fairman patent as a prior art reference adequately traverses the pending rejection under 35 U.S.C. § 102(e) and withdrawal of the rejection is respectfully requested.

In view of the foregoing, the Applicant respectfully submits that claims 1, 2, 9, 10, 17 and 18 are patentably distinguishable over the prior art of record.

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Accordingly, Applicant believes that claims 1, 2, 9, 10, 17 and 18 are allowable over the applied art and respectfully requests a notice of allowance to that effect be issued.

35 U.S.C. § 103(a) Rejections

Claims 3, 4, 11, 12, 19 and 20 are Patentable Over the Prior Art

Claims 3, 4, 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairman in view of Osborne, U.S. Patent No. 6,078,733. Applicant respectfully traverses the rejection.

Regarding claims 3, 4, 11, 12, 19 and 20, for at least those reasons given above for claims 1, 2, 9, 10, 17 and 18 the Examiner has also failed to establish a *prima facie* case of obviousness of these claims. In addition, there is nothing in the Osborne patent that teaches or suggests the elements alleged by the Examiner to be disclosed in the Fairman patent. Therefore, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness for claims 3, 4, 11, 12, 19 and 20. Accordingly, Applicant respectfully requests that the Section 103 rejection be withdrawn and a notice of allowance be issued for claims 3, 4, 11, 12, 19 and 20.

Claims 5, 6, 13, 14, 21 and 22 are Patentable Over the Prior Art

Claims 5, 6, 13, 14, 21 and 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Fairman in view of Osborne and further in view of Krishnan et al., U.S. Patent No. 4,922,416. Applicant respectfully traverses the rejection.

Regarding claims 5, 6, 13, 14, 21 and 22, for at least those reasons given above for claims 1, 2, 9, 10, 17 and 18, Applicant believes that the Examiner has failed to establish a *prima facie* case of obviousness for claims 5, 6, 13, 14, 21 and 22. In addition, there is nothing in the Osborne and/or Krishnan et al. patents that teaches or suggests the elements alleged by the Examiner to be disclosed in the Fairman patent. Accordingly, Applicant respectfully requests that the Section 103 rejection be withdrawn and a notice of allowance be issued for claims 5, 6, 13, 14, 21 and 22.

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Claims 7, 8, 15, 16, 23 and 24 are Patentable Over the Prior Art

Claims 7, 8, 15, 16, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairman in view of Osborne and further in view of Krishnan et al. and Chow et al, U.S. Patent No. 6,052,387. Applicants respectfully traverse the rejection.

Regarding claims 7, 8, 15, 16, 23 and 24, for at least those reasons given above for claims 1, 2, 9, 10, 17 and 18, Applicant believes that the Examiner has failed to establish a *prima facie* case of obviousness for claims 7, 8, 15, 16, 23 and 24. In addition, there is nothing in the Osborne, Krishnan et al. and/or Chan patents that teaches or suggests the elements alleged by the Examiner to be disclosed in the Fairman patent. Accordingly, Applicant respectfully requests that the Section 103 rejection be withdrawn and a notice of allowance be issued for claims 7, 8, 15, 16, 23 and 24.

Therefore, Applicant believes all of the pending claims are allowable and respectfully requests timely issuance of a notice of allowance thereto.

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CONCLUSION

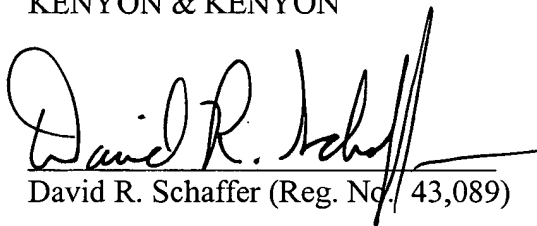
In view of the above remarks, Applicant respectfully submits that the present case is in condition for allowance and again requests that the Examiner issue a notice of allowance to that effect for all currently pending claims.

Applicants authorize the Commissioner to charge any fees determined to be due under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4263 to discuss any matter concerning this application.

Respectfully submitted,

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